

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-16 were pending in this application. Claims 1-3, 5-9, and 11-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Aung et al. (U.S. 5,791,348). Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aung. Claims 1, 6-7 and 12-16 are amended hereby. The amendments to the claims are supported by claims 2-3 and 8-9 as originally filed, and by paragraph [0113] of the application. Claims 2-3 and 8-9 are cancelled. New claims 17-20 are added hereby. Support for these claims can be found in claims 5 and 11 as originally filed. To the extent the rejections asserted in the Office Action date May 29, 2009 might still be applied to the claims as amended, they are respectfully traversed. Reconsideration of the claims as amended is respectfully requested.

### 35 USC § 102

Claims 1-3, 5-9 and 11-16 were rejected under 35 USC §102(b) as anticipated by Aung (US Patent No, 5,791,348). Applicant respectfully traverses this rejection as it applies to claims 1, 7 and 13-16 as presently amended and new claims 17-20 because Aung does not disclose controlling the pressure setting means so as to make the quantification target be closer to the ideal quantification target by increasing or decreasing the setting. Simply put, Aung discloses a quantification target (such as blood pressure) measuring system, not a system that controls the quantification target in the muscles of the user of the muscle strength increasing apparatus, as recited in the independent claims. This difference is significant because Aung's entire purpose is

a more efficient way of measuring blood pressure, whereas the ultimate purpose of the present invention, as described in the patent application in the Abstract and at paragraphs [0021]-[0023], [0027], [0032], etc., is to increase muscle strength. For that reason, the independent claims, as amended, are not disclosed or suggested in Aung.

As is clear for the Aung specification, Aung discloses a sphygmanometer that increases the pressure in a blood pressure cuff, detects a pulse wave, then increases the pressure until the pulse wave is not detected. When decreasing pressure, the Aung device determines maximal and diastolic blood pressures in a standard manner. In no case does the Aung blood pressure cuff attempt to control the pulse waves in order to reach a specific pulse wave target.

Accordingly, because Aung fails to teach increasing and/or decreasing the pressure in order to reach a quantification target (such as Korotkoff sounds, Swan sounds or pulse waves, paragraph [0098]), Aung does not disclose the invention recited in claims 1, 7 and 13-16.

### **35 USC § 103(a)**

Dependent claims 4-6, 8-12 and 17-20 are patentable because they depend on allowable independent claims. Furthermore:

- Claims 4 and 10 are patentable for the separate and independent reason that Aung does not disclose a device in which the pressure setting is controlled based upon quantification targets. As noted above, Aung merely measures, does not attempt to control.
- Claim 6 and 12 are patentable because nowhere in Aung is there any disclosure of removing gas from the bag when a heart rate exceeds a predetermined hear rate,

or when the blood pressure is lower than a predetermined blood pressure, or when there are abnormal pulse waves.

- New claims 17-20 are patentable because nowhere in Aung is there any mention of Korotkoff or Swan sounds.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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